



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 4110-99

27 April 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 3 September 1991 at age 20. The record shows that you served without incident until 1 December 1994. On that date you received nonjudicial punishment for assault, disorderly conduct and drunkenness. The punishment imposed included forfeitures of pay and a reduction in rate, which was suspended for a period of six months. Your final performance evaluation for the period from 8 May 1994 to 30 June 1995 is unavailable. However, the Enlisted Performance Record (Page 9) shows that for this period you were assigned no marks below 3.8 and the overall evaluation was 4.0. An evaluation with these marks would normally mean that you were recommended for reenlistment. However, on 8 August 1995 you signed a service record entry acknowledging that the commanding officer did not recommend you for reenlistment. The page 9 also contains an entry, dated 8 August 1995, that states that you were not recommended for reenlistment. You were released from active duty on 8 August 1995 with your service characterized as honorable and were assigned an RE-4 reenlistment code. An entry on the page 9, dated 2 September 1995, after your release from active duty states that the foregoing enlisted evaluation "was extended this date". Subsequently, you were issued an honorable discharge at the end of your military obligation.

The Board noted that as of 30 June 1995 you were probably recommended for retention in the Navy. However, the Board also noted that you acknowledged on 8 August 1995 that you were not recommended for reenlistment and apparently did not object to the service record entry at that time. Since there is no explanation in the record, the Board could only conclude that something happened after 30 June 1995 to cause you not to be recommended for reenlistment. The entry on the page 9 of 2 September 1995, extending the evaluation, occurred after you were released from active duty and is not conclusive. Given the circumstances, the Board concluded that the RE-4 reenlistment code was correctly assigned and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director